IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION No. 21101 of 2004

Between:

1. I. Bala Krishna, S/o. Venkataiah,

working as Contract Labour (Skilled),
A.P. TRANSCO, O/o. Divisional Engineer, Electrical,

A.P. Transco, Suryapeta, Nalgonda District.
2. M. Laxmaiah, S/o. Veeraiah, Contract Labour (Skilled),
O/o. Divl. Engineer Electrical, A.P. Transco, Suryapeta,

Nalgonda District.

..... PETITIONERS

AND

1. The Divisional Engineer, Electrical, Operations,

A.P. Transco, Suryapeta, Nalgonda District.
2. The Executive Engineer, A.P. Transco, Nalgonda.
3. The Superintending Engineer, A.P. Transco, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action of the respondents in not absorbing the services of the petitioners under the respondents on permanent basis as highly arbitrary, illegal and violative of Articles

14, 16 and 21 of the Constitution of India and contrary to B.P.M.S.Nos.36 and 37, dated 18.5.1997 and consequentially to direct the respondents to absorb the services of the petitioners w.e.f. from the cut off date with all consequential benefits.

Counsel for the Petitioners: MR.P.V.RAMANA

Counsel for the Respondent Nos.1 to 3: MR.S.RAVINDRANATH (Standing Counsel for A.P.TRANSCO.)

The Court at the stage of admission made the following :

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No.21101 of 2004

ORDER:

The petitioners 1 and 2 are contending that they are working as contract labour under the respondents-Company, since 1992 and 1986 respectively. They contended that they are eligible to be absorbed on regular basis. But the authorities of the respondents-Company are not absorbing them on regular basis. The petitioners, therefore, approached this Court, through this writ petition, seeking a direction to the respondents-Company to absorb them on regular basis by virtue of B.P.M.S.Nos.36 and 37 dated 18.05.1997.

2. Whenever there is a proposal for absorbing people on regular basis, there is a procedure prescribed for it and whenever there is such notification, the petitioners are at liberty to apply and on making such application, the concerned authorities would examine whether they are eligible for consideration and after satisfying that they possess all the qualifications for regularisation, appropriate orders would be passed by the concerned authorities. When there is a particular procedure prescribed under the regulations, there cannot be any specific direction to the respondents to absorb the petitioners on regular basis. If the petitioners are qualified for absorption, it is for the authorities of the respondents-Company to consider their cases also along with other candidates for such absorption.

3. In the light of the above circumstances, there cannot be any direction from this Court to absorb the petitioners on regular basis.

4. The writ petition is accordingly dismissed. No costs.

Dr.G.YETHIRAJULU, J

Dated: 19th November, 2004.

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Divisional Engineer, Electrical, Operations, A.P.Transco, Suryapeta, Nalgonda District.
2. The Executive Engineer, A.P. Transco, Nalgonda.
3. The Superintending Engineer, A.P. Transco, Nalgonda.
4. Two C.D. copies.